



Re: TUI Dispute Action February 4th 2020

General Information:

Will schools remain open to receive students on February 4th, 2020?

Decisions on this matter are the responsibility of school management (the Board of Management in the case of Voluntary Secondary/Community/Comprehensive/Educate Together schools; the ETB in the case of an ETB school). They must make their decisions having due regard to the health, safety and welfare of staff and students.

When will I know if my school will open or close?

Boards of Management/ ETBs /Employers will make decisions at local level as to whether each school will be open or closed on the day of industrial action. The BoM/ETB/employer will inform you if your school will be open or closed.

I work in a school where there are no TUI members. Will my school be open?

Yes, you should turn up for work as normal.

From an ASTI member's perspective, what is normal trade union practice in these circumstances?

No member of ASTI, including principal teachers, deputy principal teachers and/or other post holders may undertake any duties that are normally done by colleagues who are members of TUI.

Supervision/Substitution

ASTI members should discharge their normal duties in respect of supervision and substitution. No ASTI member can undertake the supervision/substitution duties of an absent TUI colleague on 4th February who will be engaged in industrial action. Redesign of the roster with a view to having ASTI members cover supervision slots normally undertaken by TUI colleagues is not acceptable. If there is any attempt by school management to re-roster in this fashion the School Steward should inform management that while ASTI members are available to undertake their normal, rostered supervision duties they will not undertake duties normally discharged by their TUI colleagues.

Substitution is organised in accordance with Circular letter 42/2014. No ASTI member may substitute for a TUI colleague, in respect of any of that colleague's classes, where that colleague's absence is in consequence of engagement in strike action.

Timetable:

No alternative timetable or temporary arrangements should be worked during the strike day or to accommodate the TUI's strike action. Therefore, in the event of any suggestion or proposal for an alternative timetable, the ASTI School Steward should inform management that, while ASTI members are available to work to the existing timetable, the imposition of an alternative timetable is unacceptable.



I'm a part-time teacher and have been offered extra hours on the strike days to fill in for members of TUI. Can I accept?

No. ASTI members must not undertake any duties that would normally be undertaken by a TUI colleague who is involved in dispute action.

My school will not be open during the strike day. Will I be paid?

Yes. ASTI members will not be on strike. ASTI members must however inform management (through the appropriate mechanism that will be put in place by management) that they are available for work on the day.

Am I required to be available for work on the day (February 4th 2020) when TUI is engaged in strike action?

Yes, you are required to be available for work in order to be paid for that day. To refuse to do so would mean that you would be deemed to be engaging in unofficial industrial action and would not be covered by the immunities provided in the Industrial Relations Act, 1990.

Pickets:

If my school is open and there is a picket what should I do?

ASTI has engaged with the TUI and has been absolutely assured that they have no difficulty with ASTI members attending for work and passing their pickets on February 4th. This is also in keeping with normal protocols/standards set out by the Irish Congress of Trade Unions. The TUI has pointed out to their members that *"Anyone who is not in the TUI may be deemed to be in breach of their contract if they do not present for work on the 4th Feb and their employer may take disciplinary action against them or deem the day to have been a break in service."*

It is clear from the foregoing that the terms of the Industrial Relations Act, 1990 are quite punitive and indeed are in need of some reform.

Can ASTI instruct members not to pass a picket?

Under the Industrial Relations Act, 1990, ASTI cannot instruct its members not to pass a picket line placed by another union. It would be illegal to do so.

ASTI understands that members may be reluctant to pass pickets that have been put in place by their colleagues.

If I choose not to cross a picket line, what will happen?

You would be deemed to be engaging in unofficial industrial action and would not be covered by the immunities provided in the Industrial Relations Act, 1990.

There are potential consequences of this, such as:

1. You will not be paid.
2. Disciplinary action could ensue.

However, the union will support any member who does not pass a picket should disciplinary action be threatened or taken against them.

Can I join my TUI colleagues on the picket line?



As explained above, ASTI members are not engaged in strike action. ASTI members should not join a picket. Materials bearing the ASTI logo must not be used on the picket line of another union.

I work in a school where there is a small number of TUI members. Will there be a picket at my workplace?

We are advised by TUI that there may be pickets placed at such workplaces.

Health and Safety:

Where there are members of the ASTI and of TUI on the staff of the school, members of ASTI should attend work if required to do so. If, however, the absence of TUI colleagues compromises the safety of students, the ASTI school steward should approach the school authority and request that closure of the school in the interests of health and safety be considered.

Colleagues who are non-union members:

Non-unionised employees may ask for guidance from ASTI members as to what to do on the day of the strike. They should be referred to their employer. Every opportunity should be taken to seek to recruit teachers in this category who are eligible for membership of the ASTI, by handing them a recruitment form and inviting them to join.

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